REMARKS

The Final Office Action of 21 March 2006 rejects all pending claims (1-49). More particularly, the Final Office Action rejects all independent claims (1, 9, 19, 29, and 39) under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,501,733 to Falco.

In a recent telephone conversation between the undersigned and the examiner, the undersigned explained Applicant's belief that Falco is irrelevant to the claimed invention, and thus cannot stand as an anticipating reference.

However, as kindly explained by the examiner in that telephone call, at least part of the difficulty lies with the Patent Office's understanding of the term "dormant mobile terminal" as used in all independent claims at issue. The specification offers a clear example of dormancy in the context of Applicant's claim language, wherein it explains that certain packet data network resources are released (e.g., radio channels, etc.) for a "dormant" mobile terminal, but that generally the point-to-point protocol (PPP) connections is logically maintained for the dormant mobile terminal (see "Background" at p. 2, lines 5-10). In those circumstances, network-initiated delivery of data to the dormant mobile terminal requires reestablishing the required radio links.

To that end, all independent claims relate to temporarily buffering incoming data at a PCF for a dormant mobile terminal. The PCF buffers the data and subsequently delivers it if a connection can be timely reestablished with the dormant mobile terminal ("reactivation" of the terminal). If not, the PCF discards the data. In all cases, however, the data is admitted to the PCFs buffer and the timing used to determine whether to discard the data is based on connection reestablished timing associated with reactivating the dormant mobile terminal.

In several points of contrast with Applicant's explicit claim language, Falco does not relate to temporarily buffering data for dormant mobile terminals. Instead, Falco discloses a communications node that performs a "store-and-forward" function for data messages. As a critical difference with Applicant's claim limitations, Falco's communications node decides

whether to grant or deny admissions of data messages into the node based on predicting transmission-departure times of the messages (See Falco Abstract, Summary, and numerous sections of the Detailed Description.) That is, Falco's communication node denies admission—i.e., does not hold it in buffer memory for subsequent forwarding—if the predicted departure time of the message exceeds a defined limit.

Because Falco explicitly and unambiguously teaches that an incoming data message is not even admitted for buffering if the correspondingly predicted transmission-departure time for that message exceeds a defined limit, the Patent Office errs in arguing that Falco anticipates Applicant's claims. Again, in all of Applicant's claims, data incoming to a PCF for a dormant mobile station is buffered (i.e., "admitted" into the PCF's buffer) and held for subsequent delivery unless the dormant mobile station is not timely reconnected. Simply put, Falco teaches granting or denying access to a communication's node storage buffer for incoming messages based on that node predicting how long it will take to forward the message. Such operations have nothing to do with receiving data at PCF for dormant mobile stations.

Indeed, based on the telephone conversation between the examiner and the undersigned, it seems that part of the prosecution difficulty lies with the meaning given by the Patent Office to the term "dormant mobile terminal" as used by Applicant in all independent claims. The Patent Office argues that Falco relates to and discloses dormant mobile terminals, and Applicant argues that Falco provides no teachings relevant to dormant mobile terminals within the meaning of Applicant's claims.

Instead, Falco discusses "mobiles" in the context of wireless communication systems and, at Col. 5, notes that some types of mobiles "sleep" to save battery power. However, that section of Falco defines "sleeping" as monitoring only selected time slots within Time Division Multiple Access (TDMA) frames. In other words, as is well known in TDMA systems, a mobile can periodically monitor an assigned control slot among a repeating plurality of such slots, and

thereby conserve power by ignoring the other slots. Not only is this well known, such operation has nothing to do with packet data dormancy as relates to the rejected claims. By definition, Falco is describing mobiles that maintain radio links with their supporting networks; the mobiles simply save power by monitoring fewer than all TDMA slots.

As carefully explained in Applicant's specification, dormancy in packet data networks means that selected network resources, such as radio links, etc., are released from a dormant mobile terminal to make those resources available to other users. However, a "logical" connection, such as the PPP connection between the dormant mobile terminal and a Packet Data Serving Node (PDSN), or Public Data Network (PDN), associated with the PCF is maintained. Because that logical connection is maintained, data may still come into the network for delivery to the mobile station, even though the mobile station has gone dormant and its radio links have been torn down. Falco literally has nothing to do with such circumstances, and such network types.

However, to clarify the meaning of "dormant" as used in the claims at issue, Applicant has amended all independent claims to state that the dormant mobile terminal maintains a PPP connection with an associated PDSN or PDN. Such language is added to all independent claims, and Applicant believes that the amendments fully address any concern that the Patent Office may have regarding the term "dormant mobile terminal" as used in all amended claims.

Applicant believes that all claims now stand in condition for allowance, because Falco cannot stand as an anticipating reference for any pending claim. That is, to anticipate, a reference must teach every limitation of the claim(s) at issue, and in the identical arrangement as claimed. Falco does not teach buffering data at a PCF for subsequent delivery to dormant mobile terminals, subject to timely reestablishing connections with such terminals.

Further, because Falco does not teach or suggest the limitations of the independent claims (1, 9, 19, 29, and 39), Falco by definition cannot anticipate those claims, nor any of their

dependents. Moreover, because the erroneously asserted teachings of Falco form the basis of all obviousness-based rejections of various ones of the dependent claims, all 103 rejections articulated in the Final Office Action fail as a matter of law.

As such, Applicant respectfully requests that the Patent Office withdraw all outstanding rejections, and allow this matter to proceed forward to allowance as all claims patentably define over Falco and all other references identified in the Final Office Action, whether taken individually or in any combination.

Respectfully submitted,

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